

AMENDED IN SENATE JUNE 2, 2015

**SENATE BILL**

**No. 794**

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**Introduced by Committee on Human Services (Senators McGuire  
(Chair), Berryhill, Hancock, Liu, and Nguyen)**

March 3, 2015

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An act to add Section 1522.44 to the Health and Safety Code, to amend Sections 11165.1 and 11166 of the Penal Code, and to amend Sections 362.04, 362.05, 10618.6, 11386, 16003, 16118, 16131, 16131.5, and 16501.1 of, and to add Sections 16501.4 and 16501.45 to, the Welfare and Institutions Code, relating to child welfare.

LEGISLATIVE COUNSEL'S DIGEST

SB 794, as amended, Committee on Human Services. Child welfare services.

(1) Existing law establishes a system of statewide child welfare services, administered by the State Department of Social Services and county child welfare agencies, with the intent that all children are entitled to be safe and free from abuse and neglect.

This bill would require county child welfare agencies, by September 30, 2016, to develop and implement policies and procedures to identify, document, and determine appropriate services for children and youth who are receiving child welfare services pursuant to federal law and are, or are at risk of becoming, victims of commercial sexual exploitation. The bill would also require county child welfare agencies, by July 1, 2016, to develop and implement specific protocols to expeditiously locate any child missing from foster care, as specified. By imposing these requirements on county agencies, this bill would impose a state-mandated local program.

(2) Under existing law, a county social worker develops a case plan that, among other things, identifies the child welfare services that will be provided to a minor or nonminor dependent. Existing law requires the county child welfare agency to give the child a meaningful opportunity to participate in the development of the case plan.

This bill would require county child welfare agencies to develop case plans for youth 14 years of age or older and nonminor dependents in consultation with the youth, and would authorize ~~the~~ *each* youth to choose up to 2 members of the case planning team, as specified. The bill would require that case plans for these youth include a description of specified rights and entitlements, as well as an acknowledgment signed by ~~the~~ *each* youth that he or she was provided with this information. The bill would also require the case plan for a child or nonminor dependent who is, or who is at risk of becoming, the victim of commercial sexual exploitation, to document the services provided to address that issue. By imposing these case planning requirements on county child welfare agencies, this ~~will~~ *bill* would impose a state-mandated local program.

(3) Existing law requires a caregiver of a dependent child to use a reasonable and prudent parent standard in determining whether to give permission for a child residing in foster care to participate in extracurricular, enrichment, and social activities.

This bill would require that training for caregivers include knowledge and skills relating to the reasonable and prudent parent standard for participation in age or developmentally appropriate activities. The bill would also require each licensed community care facility that provides care and supervision to children, except licensed foster family homes and certified family homes, to designate at least one onsite staff member to apply the reasonable and prudent parent standard to decisions involving the participation of the child in age or developmentally appropriate activities. To the extent this bill would impose foster parent training requirements on counties, the bill would impose a state-mandated local program.

(4) Existing law requires a county welfare department, county probation department, or the State Department of Social Services to annually obtain a credit report, as specified, for a child in foster care who is 16 years of age or older.

This bill would require that these services be provided to a child in foster care who is 14 years of age or older. By increasing the level of

service provided by counties, the bill would impose a state-mandated local program.

(5) Existing law requires the State Department of Social Services to implement a statewide Child Welfare Services/Case Management System to effectively administer and evaluate the state's child welfare services and foster care programs.

This bill would require the department to ensure that the Child Welfare Services/Case Management System is capable of collecting specified information relating to the number of foster children who are, or are at risk of becoming, victims of commercial sexual exploitation.

(6) The Child Abuse *and* Neglect ~~and~~ Reporting Act makes certain persons mandated reporters, and requires those persons to report to a police department, sheriff's department, county probation department, or the county welfare department whenever he or she knows or reasonably suspects that a child has been the victim of child abuse or neglect, as specified. Existing law requires the county probation or welfare department to immediately, or as soon as practicably possible, report to the law enforcement agency having jurisdiction over the case, to the agency given the responsibility for investigation of cases of child abuse and neglect, and to the district attorney's office every known or suspected instance of child abuse or neglect.

This bill would additionally require the county probation or welfare department to ~~report~~ immediately, or in no case later than 24 hours from receipt of the information, *report to the law enforcement agency having jurisdiction over the case* any known or suspected instance of child abuse ~~involves~~ *involving* an allegation of sexual exploitation, as defined, of a child or youth receiving child welfare services. The bill would also require the county probation or welfare department to make a report to the appropriate law enforcement authority for entry into the National Crime Information Center database of the Federal Bureau of Investigation and to the National Center for Missing and Exploited Children within 24 hours of becoming aware that a child or youth who is receiving child welfare services and who is known or suspected to be the victim of sexual exploitation is missing or has been abducted. By increasing the duties of county probation and welfare departments, this bill would impose a state-mandated local program.

(7) Existing law establishes the Adoption Assistance Program for the purpose of benefiting children residing in foster homes by providing the stability and security of permanent homes. Existing law requires that any savings realized from the change in federal funding for adoption

assistance resulting from the enactment of the federal Fostering Connections to Success and Increasing Adoptions Act of 2008 be spent for the provision of foster care and adoption services.

This bill would require that at least 30% of that savings be spent on postadoption services, postguardianship services, and services to support and sustain positive permanent outcomes for children who might enter foster care, as specified.

(8) The Kinship Guardianship Assistance ~~Payments~~ *Payment* for Children (Kin-GAP) Program provides financial assistance to children who are eligible for foster care maintenance payments and are placed in legal guardianship with a relative. Under existing law, termination of the guardianship terminates eligibility for Kin-GAP, unless an alternate kinship guardian or coguardian is appointed, as provided.

This bill would instead provide that if a successor kinship guardian is appointed, the successor guardian is entitled to receive Kin-GAP on behalf of the child if the reason for the appointment is the death or incapacity of the kinship guardian and the successor guardian is named in the kinship guardianship assistance agreement.

(9) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 1522.44 is added to the Health and Safety
- 2 Code, to read:
- 3 1522.44. (a) It is the policy of the state that caregivers of
- 4 children in foster care possess knowledge and skills relating to the
- 5 reasonable and prudent parent standard, as defined in subdivision
- 6 (c) of Section 362.05 of the Welfare and Institutions Code.
- 7 (b) Except for licensed foster family homes and certified family
- 8 homes, each licensed community care facility that provides care
- 9 and supervision to children and operates with staff shall designate
- 10 at least one onsite staff member to apply the reasonable and prudent
- 11 parent standard to decisions involving the participation of the child
- 12 in age or developmentally appropriate activities in accordance with

1 the requirements of Section 362.05 of the Welfare and Institutions  
2 Code, Section 671(a)(10) of Title 42 of the United States Code,  
3 and the regulations adopted by the department pursuant to this  
4 chapter.

5 (c) A licensed and certified foster parent or facility staff member,  
6 as described in subdivision (b), shall receive training related to the  
7 reasonable and prudent parent standard that is consistent with  
8 Section 671(a)(24) of Title 42 of the United States Code. This  
9 training shall be included in the training requirements set forth in  
10 Section 1529.2.

11 (d) This section does not apply to runaway and homeless youth  
12 shelters as defined in paragraph (14) of subdivision (a) of Section  
13 1502.

14 SEC. 2. Section 11165.1 of the Penal Code is amended to read:  
15 11165.1. As used in this article, “sexual abuse” means sexual  
16 assault or sexual exploitation as defined by the following:

17 (a) “Sexual assault” means conduct in violation of one or more  
18 of the following sections: Section 261 (rape), subdivision (d) of  
19 Section 261.5 (statutory rape), *Section* 264.1 (rape in concert),  
20 *Section* 285 (incest), *Section* 286 (sodomy), subdivision (a) or (b),  
21 or paragraph (1) of subdivision (c) of Section 288 (lewd or  
22 lascivious acts upon a child), *Section* 288a (oral copulation),  
23 *Section* 289 (sexual penetration), or *Section* 647.6 (child  
24 molestation).

25 (b) Conduct described as “sexual assault” includes, but is not  
26 limited to, all of the following:

27 (1) Penetration, however slight, of the vagina or anal opening  
28 of one person by the penis of another person, whether or not there  
29 is the emission of semen.

30 (2) Sexual contact between the genitals or anal opening of one  
31 person and the mouth or tongue of another person.

32 (3) Intrusion by one person into the genitals or anal opening of  
33 another person, including the use of an object for this purpose,  
34 except that, it does not include acts performed for a valid medical  
35 purpose.

36 (4) The intentional touching of the genitals or intimate parts,  
37 including the breasts, genital area, groin, inner thighs, and buttocks,  
38 or the clothing covering them, of a child, or of the perpetrator by  
39 a child, for purposes of sexual arousal or gratification, except that  
40 it does not include acts which may reasonably be construed to be

1 normal caretaker responsibilities; interactions with, or  
2 demonstrations of affection for, the child; or acts performed for a  
3 valid medical purpose.

4 (5) The intentional masturbation of the perpetrator's genitals in  
5 the presence of a child.

6 (c) "Sexual exploitation" refers to any of the following:

7 (1) Conduct involving matter depicting a minor engaged in  
8 obscene acts in violation of Section 311.2 (preparing, selling, or  
9 distributing obscene matter) or subdivision (a) of Section 311.4  
10 (employment of minor to perform obscene acts).

11 (2) A person who knowingly promotes, aids, or assists, employs,  
12 uses, persuades, induces, or coerces a child, or a person responsible  
13 for a child's welfare, who knowingly permits or encourages a child  
14 to engage in, or assist others to engage in, prostitution or a live  
15 performance involving obscene sexual conduct, or to either pose  
16 or model alone or with others for purposes of preparing a film,  
17 photograph, negative, slide, drawing, painting, or other pictorial  
18 depiction, involving obscene sexual conduct, or who sexually  
19 trafficks a child, as described in subdivision (c) of Section 236.1,  
20 or commercially sexually exploits a child, as described in paragraph  
21 (2) of subdivision (b) of Section 300 of the Welfare and Institutions  
22 Code. For the purpose of this section, "person responsible for a  
23 child's welfare" means a parent, guardian, foster parent, or a  
24 licensed administrator or employee of a public or private residential  
25 home, residential school, or other residential institution.

26 (3) A person who depicts a child in, or who knowingly develops,  
27 duplicates, prints, downloads, streams, accesses through any  
28 electronic or digital media, or exchanges, a film, photograph,  
29 videotape, video recording, negative, or slide in which a child is  
30 engaged in an act of obscene sexual conduct, except for those  
31 activities by law enforcement and prosecution agencies and other  
32 persons described in subdivisions (c) and (e) of Section 311.3.

33 SEC. 3. Section 11166 of the Penal Code is amended to read:

34 11166. (a) Except as provided in subdivision (d), and in  
35 Section 11166.05, a mandated reporter shall make a report to an  
36 agency specified in Section 11165.9 whenever the mandated  
37 reporter, in his or her professional capacity or within the scope of  
38 his or her employment, has knowledge of or observes a child whom  
39 the mandated reporter knows or reasonably suspects has been the  
40 victim of child abuse or neglect. The mandated reporter shall make

1 an initial report by telephone to the agency immediately or as soon  
2 as is practicably possible, and shall prepare and send, fax, or  
3 electronically transmit a written followup report within 36 hours  
4 of receiving the information concerning the incident. The mandated  
5 reporter may include with the report any nonprivileged  
6 documentary evidence the mandated reporter possesses relating  
7 to the incident.

8 (1) For purposes of this article, “reasonable suspicion” means  
9 that it is objectively reasonable for a person to entertain a suspicion,  
10 based upon facts that could cause a reasonable person in a like  
11 position, drawing, when appropriate, on his or her training and  
12 experience, to suspect child abuse or neglect. “Reasonable  
13 suspicion” does not require certainty that child abuse or neglect  
14 has occurred nor does it require a specific medical indication of  
15 child abuse or neglect; any “reasonable suspicion” is sufficient.  
16 For purposes of this article, the pregnancy of a minor does not, in  
17 and of itself, constitute a basis for a reasonable suspicion of sexual  
18 abuse.

19 (2) The agency shall be notified and a report shall be prepared  
20 and sent, faxed, or electronically transmitted even if the child has  
21 expired, regardless of whether or not the possible abuse was a  
22 factor contributing to the death, and even if suspected child abuse  
23 was discovered during an autopsy.

24 (3) A report made by a mandated reporter pursuant to this  
25 section shall be known as a mandated report.

26 (b) If, after reasonable efforts, a mandated reporter is unable to  
27 submit an initial report by telephone, he or she shall immediately  
28 or as soon as is practicably possible, by fax or electronic  
29 transmission, make a one-time automated written report on the  
30 form prescribed by the Department of Justice, and shall also be  
31 available to respond to a telephone followup call by the agency  
32 with which he or she filed the report. A mandated reporter who  
33 files a one-time automated written report because he or she was  
34 unable to submit an initial report by telephone is not required to  
35 submit a written followup report.

36 (1) The one-time automated written report form prescribed by  
37 the Department of Justice shall be clearly identifiable so that it is  
38 not mistaken for a standard written followup report. In addition,  
39 the automated one-time report shall contain a section that allows  
40 the mandated reporter to state the reason the initial telephone call

1 was not able to be completed. The reason for the submission of  
2 the one-time automated written report in lieu of the procedure  
3 prescribed in subdivision (a) shall be captured in the Child Welfare  
4 Services/Case Management System (CWS/CMS). The department  
5 shall work with stakeholders to modify reporting forms and the  
6 CWS/CMS as is necessary to accommodate the changes enacted  
7 by these provisions.

8 (2) This subdivision shall not become operative until the  
9 CWS/CMS is updated to capture the information prescribed in this  
10 subdivision.

11 (3) This subdivision shall become inoperative three years after  
12 this subdivision becomes operative or on January 1, 2009,  
13 whichever occurs first.

14 (4) On the inoperative date of these provisions, a report shall  
15 be submitted to the counties and the Legislature by the State  
16 Department of Social Services that reflects the data collected from  
17 automated one-time reports indicating the reasons stated as to why  
18 the automated one-time report was filed in lieu of the initial  
19 telephone report.

20 (5) Nothing in this section shall supersede the requirement that  
21 a mandated reporter first attempt to make a report via telephone,  
22 or that agencies specified in Section 11165.9 accept reports from  
23 mandated reporters and other persons as required.

24 (c) A mandated reporter who fails to report an incident of known  
25 or reasonably suspected child abuse or neglect as required by this  
26 section is guilty of a misdemeanor punishable by up to six months  
27 confinement in a county jail or by a fine of one thousand dollars  
28 (\$1,000) or by both that imprisonment and fine. If a mandated  
29 reporter intentionally conceals his or her failure to report an  
30 incident known by the mandated reporter to be abuse or severe  
31 neglect under this section, the failure to report is a continuing  
32 offense until an agency specified in Section 11165.9 discovers the  
33 offense.

34 (d) (1) A clergy member who acquires knowledge or a  
35 reasonable suspicion of child abuse or neglect during a penitential  
36 communication is not subject to subdivision (a). For the purposes  
37 of this subdivision, "penitential communication" means a  
38 communication, intended to be in confidence, including, but not  
39 limited to, a sacramental confession, made to a clergy member  
40 who, in the course of the discipline or practice of his or her church,



1 denomination, or organization, is authorized or accustomed to hear  
2 those communications, and under the discipline, tenets, customs,  
3 or practices of his or her church, denomination, or organization,  
4 has a duty to keep those communications secret.

5 (2) Nothing in this subdivision shall be construed to modify or  
6 limit a clergy member's duty to report known or suspected child  
7 abuse or neglect when the clergy member is acting in some other  
8 capacity that would otherwise make the clergy member a mandated  
9 reporter.

10 (3) (A) On or before January 1, 2004, a clergy member or any  
11 custodian of records for the clergy member may report to an agency  
12 specified in Section 11165.9 that the clergy member or any  
13 custodian of records for the clergy member, prior to January 1,  
14 1997, in his or her professional capacity or within the scope of his  
15 or her employment, other than during a penitential communication,  
16 acquired knowledge or had a reasonable suspicion that a child had  
17 been the victim of sexual abuse and that the clergy member or any  
18 custodian of records for the clergy member did not previously  
19 report the abuse to an agency specified in Section 11165.9. The  
20 provisions of Section 11172 shall apply to all reports made pursuant  
21 to this paragraph.

22 (B) This paragraph shall apply even if the victim of the known  
23 or suspected abuse has reached the age of majority by the time the  
24 required report is made.

25 (C) The local law enforcement agency shall have jurisdiction  
26 to investigate any report of child abuse made pursuant to this  
27 paragraph even if the report is made after the victim has reached  
28 the age of majority.

29 (e) (1) A commercial film, photographic print, or image  
30 processor who has knowledge of or observes, within the scope of  
31 his or her professional capacity or employment, any film,  
32 photograph, videotape, negative, slide, or any representation of  
33 information, data, or an image, including, but not limited to, any  
34 film, filmstrip, photograph, negative, slide, photocopy, videotape,  
35 video laser disc, computer hardware, computer software, computer  
36 floppy disk, data storage medium, CD-ROM, computer-generated  
37 equipment, or computer-generated image depicting a child under  
38 16 years of age engaged in an act of sexual conduct, shall,  
39 immediately or as soon as practicably possible, telephonically  
40 report the instance of suspected abuse to the law enforcement

1 agency located in the county in which the images are seen. Within  
2 36 hours of receiving the information concerning the incident, the  
3 reporter shall prepare and send, fax, or electronically transmit a  
4 written followup report of the incident with a copy of the image  
5 or material attached.

6 (2) A commercial computer technician who has knowledge of  
7 or observes, within the scope of his or her professional capacity  
8 or employment, any representation of information, data, or an  
9 image, including, but not limited to, any computer hardware,  
10 computer software, computer file, computer floppy disk, data  
11 storage medium, CD-ROM, computer-generated equipment, or  
12 computer-generated image that is retrievable in perceivable form  
13 and that is intentionally saved, transmitted, or organized on an  
14 electronic medium, depicting a child under 16 years of age engaged  
15 in an act of sexual conduct, shall immediately, or as soon as  
16 practicably possible, telephonically report the instance of suspected  
17 abuse to the law enforcement agency located in the county in which  
18 the images or ~~material~~ *materials* are seen. As soon as practicably  
19 possible after receiving the information concerning the incident,  
20 the reporter shall prepare and send, fax, or electronically transmit  
21 a written followup report of the incident with a brief description  
22 of the images or materials.

23 (3) For purposes of this article, “commercial computer  
24 technician” includes an employee designated by an employer to  
25 receive reports pursuant to an established reporting process  
26 authorized by subparagraph (B) of paragraph (43) of subdivision  
27 (a) of Section 11165.7.

28 (4) As used in this subdivision, “electronic medium” includes,  
29 but is not limited to, a recording, CD-ROM, magnetic disk memory,  
30 magnetic tape memory, CD, DVD, thumbdrive, or any other  
31 computer hardware or media.

32 (5) As used in this subdivision, “sexual conduct” means any of  
33 the following:

34 (A) Sexual intercourse, including genital-genital, oral-genital,  
35 anal-genital, or oral-anal, whether between persons of the same or  
36 opposite sex or between humans and animals.

37 (B) Penetration of the vagina or rectum by any object.

38 (C) Masturbation for the purpose of sexual stimulation of the  
39 viewer.

1 (D) Sadomasochistic abuse for the purpose of sexual stimulation  
2 of the viewer.

3 (E) Exhibition of the genitals, pubic, or rectal areas of a person  
4 for the purpose of sexual stimulation of the viewer.

5 (f) Any mandated reporter who knows or reasonably suspects  
6 that the home or institution in which a child resides is unsuitable  
7 for the child because of abuse or neglect of the child shall bring  
8 the condition to the attention of the agency to which, and at the  
9 same time as, he or she makes a report of the abuse or neglect  
10 pursuant to subdivision (a).

11 (g) Any other person who has knowledge of or observes a child  
12 whom he or she knows or reasonably suspects has been a victim  
13 of child abuse or neglect may report the known or suspected  
14 instance of child abuse or neglect to an agency specified in Section  
15 11165.9. For purposes of this section, “any other person” includes  
16 a mandated reporter who acts in his or her private capacity and  
17 not in his or her professional capacity or within the scope of his  
18 or her employment.

19 (h) When two or more persons, who are required to report,  
20 jointly have knowledge of a known or suspected instance of child  
21 abuse or neglect, and when there is agreement among them, the  
22 telephone report may be made by a member of the team selected  
23 by mutual agreement and a single report may be made and signed  
24 by the selected member of the reporting team. Any member who  
25 has knowledge that the member designated to report has failed to  
26 do so shall thereafter make the report.

27 (i) (1) The reporting duties under this section are individual,  
28 and no supervisor or administrator may impede or inhibit the  
29 reporting duties, and no person making a report shall be subject  
30 to any sanction for making the report. However, internal procedures  
31 to facilitate reporting and apprise supervisors and administrators  
32 of reports may be established provided that they are not inconsistent  
33 with this article.

34 (2) The internal procedures shall not require any employee  
35 required to make reports pursuant to this article to disclose his or  
36 her identity to the employer.

37 (3) Reporting the information regarding a case of possible child  
38 abuse or neglect to an employer, supervisor, school principal,  
39 school counselor, coworker, or other person shall not be a substitute

1 for making a mandated report to an agency specified in Section  
2 11165.9.

3 (j) (1) A county probation or welfare department shall  
4 immediately, or as soon as practicably possible, report by  
5 telephone, fax, or electronic transmission to the law enforcement  
6 agency having jurisdiction over the case, to the agency given the  
7 responsibility for investigation of cases under Section 300 of the  
8 Welfare and Institutions Code, and to the district attorney's office  
9 every known or suspected instance of child abuse or neglect, as  
10 defined in Section 11165.6, except acts or omissions coming within  
11 subdivision (b) of Section 11165.2, or reports made pursuant to  
12 Section 11165.13 based on risk to a child that relates solely to the  
13 inability of the parent to provide the child with regular care due  
14 to the parent's substance abuse, which shall be reported only to  
15 the county welfare or probation department. When the known or  
16 suspected instance of child abuse involves an allegation of sexual  
17 exploitation, as defined in paragraph (2) of subdivision (c) of  
18 Section 11165.1, of a child or youth receiving child welfare  
19 services, the county probation or welfare department shall  
20 immediately, or in no case later than 24 hours from receipt of the  
21 information, report the incident by telephone, fax, or electronic  
22 transmission to the law enforcement agency having jurisdiction  
23 over the case, to the agency responsible for investigating cases  
24 described in Section 300 of the Welfare and Institutions Code, and  
25 to the district attorney's office. *case.* A county probation or welfare  
26 department also shall send, fax, or electronically transmit a written  
27 report thereof within 36 hours of receiving the information  
28 concerning the incident to any agency to which it makes a  
29 telephone report under this subdivision.

30 (2) When a child or youth who is receiving child welfare  
31 services and who is known or suspected to be the victim of sexual  
32 exploitation, as defined in paragraph (2) of subdivision (c) of  
33 Section 11165.1, is missing or has been abducted, the county  
34 probation or welfare department shall immediately, or in no case  
35 later than 24 hours from receipt of the information, report the  
36 incident to the appropriate law enforcement authority for entry  
37 into the National Crime Information Center database of the Federal  
38 Bureau of Investigation and to the National Center for Missing  
39 and Exploited Children.

(k) A law enforcement agency shall immediately, or as soon as practicably possible, report by telephone, fax, or electronic transmission to the agency given responsibility for investigation of cases under Section 300 of the Welfare and Institutions Code and to the district attorney's office every known or suspected instance of child abuse or neglect reported to it, except acts or omissions coming within subdivision (b) of Section 11165.2, which shall be reported only to the county welfare or probation department. A law enforcement agency shall report to the county welfare or probation department every known or suspected instance of child abuse or neglect reported to it which is alleged to have occurred as a result of the action of a person responsible for the child's welfare, or as the result of the failure of a person responsible for the child's welfare to adequately protect the minor from abuse when the person responsible for the child's welfare knew or reasonably should have known that the minor was in danger of abuse. A law enforcement agency also shall send, fax, or electronically transmit a written report thereof within 36 hours of receiving the information concerning the incident to any agency to which it makes a telephone report under this subdivision.

SEC. 4. Section 362.04 of the Welfare and Institutions Code is amended to read:

362.04. (a) For purposes of this section:

(1) "Caregiver" means any licensed certified foster parent, approved relative caregiver, or approved nonrelative extended family member, or approved resource family.

(2) "Reasonable and prudent parent" or "reasonable and prudent parent standard" has the meaning set forth in subdivision (c) of Section 362.05.

(3) "Short term" means no more than 24 consecutive hours.

(b) Every caregiver may arrange for occasional short-term babysitting of their foster child and allow individuals to supervise the foster child for the purposes set forth in Section 362.05, or on occasions, including, but not limited to, when the foster parent has a medical or other health care appointment, grocery or other shopping, personal grooming appointments, special occasions for the foster parents, foster parent training classes, school-related meetings (such as parent-teacher conferences), business meetings, adult social gatherings, or an occasional evening out by the foster parent.

1 (c) Caregivers shall use a reasonable and prudent parent standard  
2 in determining and selecting appropriate babysitters for occasional  
3 short-term use.

4 (d) The caregiver shall endeavor to provide the babysitter with  
5 the following information before leaving the child for purposes of  
6 short-term care:

7 (1) Information about the child's emotional, behavioral, ~~medical~~  
8 *medical*, or physical conditions, if any, necessary to provide care  
9 for the child during the time the foster child is being supervised  
10 by the babysitter.

11 (2) Any medication that should be administered to the foster  
12 child during the time the foster child is being supervised by the  
13 babysitter.

14 (3) Emergency contact information that is valid during the time  
15 the foster child is being supervised by the babysitter.

16 (e) Babysitters selected by the caregiver to provide occasional  
17 short-term care to a foster child under the provisions of this section  
18 shall be exempt from any department regulation requiring health  
19 screening or cardiopulmonary resuscitation certification or training.

20 (f) Each state and local entity shall ensure that private agencies  
21 that provide foster care services to dependent children have policies  
22 consistent with this section. Policies that are not consistent with  
23 this section include those that are incompatible with, contradictory  
24 to, or more restrictive than this section.

25 SEC. 5. Section 362.05 of the Welfare and Institutions Code  
26 is amended to read:

27 362.05. (a) (1) Every child adjudged a dependent child of the  
28 juvenile court shall be entitled to participate in age-appropriate  
29 extracurricular, enrichment, and social activities. No state or local  
30 regulation or policy may prevent, or create barriers to, participation  
31 in those activities. Each state and local entity shall ensure that  
32 private agencies that provide foster care services to dependent  
33 children have policies consistent with this section and that those  
34 agencies promote and protect the ability of dependent children to  
35 participate in age-appropriate extracurricular, enrichment, and  
36 social activities. A group home administrator, a facility manager,  
37 or his or her responsible designee, and a caregiver, as defined in  
38 paragraph (1) of subdivision (a) of Section 362.04, shall use a  
39 reasonable and prudent parent standard in determining whether to  
40 give permission for a child residing in foster care to participate in

1 extracurricular, enrichment, and social activities. A group home  
2 administrator, a facility manager, or his or her responsible designee,  
3 and a caregiver shall take reasonable steps to determine the  
4 appropriateness of the activity in consideration of the child's age,  
5 maturity, and developmental level.

6 (2) Training for caregivers shall include knowledge and skills  
7 relating to the reasonable and prudent parent standard for the  
8 participation of the child in age or developmentally appropriate  
9 activities, consistent with this section and Section 671(a)(24) of  
10 Title 42 of the United States Code.

11 (b) A group home administrator or a facility manager, or his or  
12 her responsible designee, is encouraged to consult with social work  
13 or treatment staff members who are most familiar with the child  
14 at the group home in applying and using the reasonable and prudent  
15 parent standard.

16 (c) "Reasonable and prudent parent" or "reasonable and prudent  
17 parent standard" means the standard characterized by careful and  
18 sensible parental decisions that maintain the health, safety, and  
19 best interests of a child while at the same time encouraging the  
20 emotional and developmental growth of the child, that a caregiver  
21 shall use when determining whether to allow a child in foster care  
22 under the responsibility of the state to participate in extracurricular,  
23 enrichment, cultural, and social activities.

24 SEC. 6. Section 10618.6 of the Welfare and Institutions Code  
25 is amended to read:

26 10618.6. (a) (1) When a child in a foster care placement  
27 reaches his or her 14th birthday, and each year thereafter, while  
28 the child is under the jurisdiction of the juvenile court, the county  
29 welfare department, county probation department, or, if an  
30 automated process is available, the State Department of Social  
31 Services, shall inquire of each of the three major credit reporting  
32 agencies as to whether the child has any consumer credit history.

33 (2) If the State Department of Social Services makes the inquiry,  
34 it shall notify the county welfare department or county probation  
35 department in the county having jurisdiction over the child of the  
36 results of that inquiry.

37 (3) Pursuant to the federal Child and Family Services  
38 Improvement and Innovation Act of 2011 (*Public Law 112-34*)  
39 and the federal Fair Credit Reporting Act, Act (*15 U.S.C. Sec. 1681*  
40 *et seq.*), if an inquiry performed pursuant to this subdivision

1 indicates that a child has a consumer credit history with any major  
2 credit reporting agency, the responsible county welfare department  
3 or county probation department shall request a consumer credit  
4 report from that credit reporting agency.

5 (b) For a nonminor dependent, the county welfare department  
6 or county probation department shall assist the young adult, on a  
7 yearly basis while the nonminor dependent is under the jurisdiction  
8 of the juvenile court, with requesting the consumer credit report  
9 from each of the three major credit reporting agencies, pursuant  
10 to the free annual disclosure provision of the federal Fair Credit  
11 Reporting Act. *Act (15 U.S.C. Sec. 1681 et seq.)*.

12 (c) The county social worker or county probation officer shall  
13 ensure that the child or nonminor dependent receives assistance  
14 with interpreting the consumer credit report and resolving any  
15 inaccuracies. The assistance may include, but is not limited to,  
16 referring the youth to a governmental or nonprofit agency that  
17 provides consumer credit services. This section does not require  
18 the social worker or probation officer to be the individual providing  
19 the direct assistance with interpreting the consumer credit  
20 disclosure or resolving the inaccuracies.

21 (d) Notwithstanding any other law, in order to make an inquiry  
22 or to request a consumer credit report for youth pursuant to this  
23 section, the county welfare department, county probation  
24 department, or, if an automated process is available, the State  
25 Department of Social Services may release necessary information  
26 to a credit reporting agency.

27 (e) No later than February 1, 2016, the State Department of  
28 Social Services shall provide information to the Assembly  
29 Committee on Budget, the Senate Budget and Fiscal Review  
30 Committee, and the appropriate legislative policy committees  
31 regarding the implementation of this section, including, but not  
32 limited to, any state and county barriers to obtaining credit reports  
33 as required by the federal Child and Family Services Improvement  
34 and Innovation Act of 2014. *(Public Law 112-34)*.

35 SEC. 7. Section 11386 of the Welfare and Institutions Code is  
36 amended to read:

37 11386. Aid shall be provided under this article on behalf of a  
38 child under 18 years of age, and to any eligible youth under 19  
39 years of age, as provided in Section 11403, under all of the  
40 following conditions:



1 (a) The child satisfies both of the following requirements:

2 (1) He or she has been removed from his or her home pursuant  
3 to a voluntary placement agreement, or as a result of judicial  
4 determination, including being adjudged a dependent child of the  
5 court, pursuant to Section 300, or a ward of the court, pursuant to  
6 Section 601 or 602, to the effect that continuation in the home  
7 would be contrary to the welfare of the child.

8 (2) He or she has been eligible for federal foster care  
9 maintenance payments under Article 5 (commencing with Section  
10 11400) while residing for at least six consecutive months in the  
11 approved home of the prospective relative guardian while under  
12 the jurisdiction of the juvenile court or a voluntary placement  
13 agreement.

14 (b) Being returned to the parental home or *being* adopted are  
15 not appropriate permanency options for the child.

16 (c) The child demonstrates a strong attachment to the relative  
17 guardian, and the relative guardian has a strong commitment to  
18 caring permanently for the child and, with respect to the child who  
19 has attained 12 years of age, the child has been consulted regarding  
20 the kinship guardianship arrangement.

21 (d) The child has had a kinship guardianship established  
22 pursuant to Section 360 or 366.26.

23 (e) The child has had his or her dependency jurisdiction  
24 terminated pursuant to Section 366.3, or his or her wardship  
25 terminated pursuant to subdivision (d) of Section 728, concurrently  
26 or subsequently to the establishment of the kinship guardianship.

27 (f) If the conditions specified in subdivisions (a) ~~through~~ to (e),  
28 inclusive, are met and, subsequent to the termination of dependency  
29 jurisdiction, any parent or person having an interest files with the  
30 juvenile court a petition pursuant to Section 388 to change, modify,  
31 or set aside an order of the court, Kin-GAP payments shall continue  
32 unless and until the juvenile court orders the child removed from  
33 the home of the guardian, terminates the guardianship, or maintains  
34 dependency jurisdiction after the court concludes the hearing on  
35 the petition filed under Section 388.

36 (g) A child or nonminor former dependent or ward shall be  
37 eligible for Kin-GAP payments if he or she meets one of the  
38 following age criteria:

39 (1) He or she is under 18 years of age.

1 (2) He or she is under 21 years of age and has a physical or  
2 mental disability that warrants the continuation of assistance.

3 (3) Through December 31, 2011, he or she satisfies the  
4 conditions of Section 11403, and on and after January 1, 2012, he  
5 or she satisfies the conditions of Section 11403.01.

6 (4) He or she satisfies the conditions as described in subdivision  
7 (h).

8 (h) Effective January 1, 2012, Kin-GAP payments shall continue  
9 for youths who have attained 18 years of age and are under 19  
10 years of age, if they reached 16 years of age before the Kin-GAP  
11 negotiated agreement payments commenced, and as described in  
12 Section 10103.5. Effective January 1, 2013, Kin-GAP payments  
13 shall continue for youths who have attained 18 years of age and  
14 are under 20 years of age, if they reached 16 years of age before  
15 the Kin-GAP negotiated agreement payments commenced, and as  
16 described in Section 10103.5. Effective January 1, 2014, Kin-GAP  
17 payments shall continue for youths who have attained 18 years of  
18 age and are under 21 years of age, if they reached 16 years of age  
19 before the Kin-GAP negotiated agreement payments commenced.  
20 To be eligible for continued payments, the youth shall satisfy one  
21 or more of the conditions specified in paragraphs (1) to (5),  
22 inclusive, of subdivision (b) of Section 11403.

23 (i) Termination of the guardianship with a kinship guardian  
24 shall terminate eligibility for Kin-GAP, unless the conditions of  
25 Section 11403 apply. However, if a successor guardian is appointed  
26 pursuant to Section 366.3 who is also a kinship guardian, the  
27 successor guardian shall be entitled to receive Kin-GAP on behalf  
28 of the child pursuant to this article if the reason for the appointment  
29 of the successor guardian is the death or incapacity of the kinship  
30 guardian and the successor guardian is named in the kinship  
31 guardianship assistance agreement or amendment to the agreement.  
32 A new period of six months of placement with the successor  
33 guardian shall not be required if that successor guardian has been  
34 assessed pursuant to Section 361.3 and Section 361.4 and the court  
35 terminates dependency jurisdiction, subject to federal approval of  
36 amendments to the state plan.

37 SEC. 8. Section 16003 of the Welfare and Institutions Code is  
38 amended to read:

39 16003. (a) In order to promote the successful implementation  
40 of the statutory preference for foster care placement with a relative

1 caretaker as set forth in Section 7950 of the Family Code, each  
2 community college district with a foster care education program  
3 shall make available orientation and training, pursuant to Sections  
4 ~~1529.2 and 1522.44~~ and 1529.2 of the Health and Safety Code, to  
5 the relative or nonrelative extended family member caregiver into  
6 whose care the county has placed a foster child. The training shall  
7 include, but is not limited to, courses that cover the following:

8 (1) The role, rights, and responsibilities of a relative or  
9 nonrelative extended family member caregiver caring for a child  
10 in foster care, including the right of a foster child to have fair and  
11 equal access to all available services, placement, care, treatment,  
12 and benefits, and to not be subjected to discrimination or  
13 harassment on the basis of actual or perceived race, ethnic group  
14 identification, ancestry, national origin, color, religion, sex, sexual  
15 orientation, gender identity, mental or physical disability, or HIV  
16 status.

17 (2) An overview of the child protective system.

18 (3) The effects of child abuse and neglect on child development.

19 (4) Positive discipline and the importance of self-esteem.

20 (5) Health issues in foster care.

21 (6) Accessing education and health services that are available  
22 to foster children.

23 (7) Relationship and safety issues regarding contact with one  
24 or both of the birth parents.

25 (8) Permanency options for relative or nonrelative extended  
26 family member caregivers, including legal guardianship, the  
27 Kinship Guardianship Assistance Payment Program, and kin  
28 adoption.

29 (9) Information on resources available for those who meet  
30 eligibility criteria, including out-of-home care payments, the  
31 Medi-Cal program, in-home supportive services, and other similar  
32 resources.

33 (10) Instruction on cultural competency and sensitivity relating  
34 to, and best practices for, providing adequate care to lesbian, gay,  
35 bisexual, and transgender youth in out-of-home care.

36 (11) Basic instruction on the existing laws and procedures  
37 regarding the safety of foster youth at school and the ensuring of  
38 a harassment and violence free school environment contained in  
39 the California Student Safety and Violence Prevention Act of 2000

(Article 3.6 (commencing with Section 32228) of Chapter 2 of Part 19 of Division 1 of Title 1 of the Education Code).

(b) In addition to training made available pursuant to subdivision (a), each community college district with a foster care education program shall make training available to a relative or nonrelative extended family member caregiver that includes, but need not be limited to, courses that cover all of the following:

- (1) Age-appropriate child development.
- (2) Health issues in foster care.
- (3) Positive discipline and the importance of self-esteem.
- (4) Emancipation and independent living.
- (5) Accessing education and health services available to foster children.
- (6) Relationship and safety issues regarding contact with one or both of the birth parents.

(7) Permanency options for relative or nonrelative extended family member caregivers, including legal guardianship, the Kinship Guardianship Assistance Payment Program, and kin adoption.

(8) Basic instruction on the existing laws and procedures regarding the safety of foster youth at school and the ensuring of a harassment and violence free school environment contained in the California Student Safety and Violence Prevention Act of 2000 (Article 3.6 (commencing with Section 32228) of Chapter 2 of Part 19 of Division 1 of Title 1 of the Education Code).

(c) In addition to the requirements of subdivisions (a) and (b), each community college district with a foster care education program, in providing the orientation program, shall develop appropriate program parameters in collaboration with the counties.

(d) Each community college district with a foster care education program shall make every attempt to make the training and orientation programs for relative or nonrelative extended family member caregivers highly accessible in the communities in which they reside.

(e) When a child is placed with a relative or nonrelative extended family member caregiver, the county shall inform the caregiver of the availability of training and orientation programs and it is the intent of the Legislature that the county shall forward the names and addresses of relative or nonrelative extended family member

1 caregivers to the appropriate community colleges providing the  
2 training and orientation programs.

3 (f) This section shall not be construed to preclude counties from  
4 developing or expanding existing training and orientation programs  
5 for foster care providers to include relative or nonrelative extended  
6 family member caregivers.

7 SEC. 9. Section 16118 of the Welfare and Institutions Code is  
8 amended to read:

9 16118. (a) The department shall establish and administer the  
10 program to be carried out by the department or the county pursuant  
11 to this chapter. The department shall adopt any regulations  
12 necessary to carry out the provisions of this chapter.

13 (b) The department shall keep the records necessary to evaluate  
14 the program's effectiveness in encouraging and promoting the  
15 adoption of children eligible for the Adoption Assistance Program.

16 (c) The department or the county responsible for providing  
17 financial aid in the amount determined in Section 16120 shall have  
18 responsibility for certifying that the child meets the eligibility  
19 criteria and for determining the amount of financial assistance  
20 needed by the child and the adopting family.

21 (d) The department shall actively seek and make maximum use  
22 of federal funds that may be available for the purposes of this  
23 chapter. In accordance with federal law, any savings realized from  
24 the change in federal funding for adoption assistance resulting  
25 from the enactment of the federal Fostering Connections to Success  
26 and Increasing Adoptions Act of 2008 (Public Law 110-351) shall  
27 be spent for the provision of foster care and adoption services, and  
28 the counties shall annually report to the department how these  
29 savings are spent, including any expenditures for post-adoption  
30 services. Not less than 30 percent of ~~that~~ *these* savings shall be  
31 spent on postadoption services, postguardianship services, and  
32 services to support and sustain positive permanent outcomes for  
33 children who otherwise might enter into foster care. Of that  
34 30-percent amount, at least two-thirds shall be spent on  
35 postadoption and postguardianship services. The process for  
36 submitting this information shall be developed by the department,  
37 in consultation with counties. All gifts or grants received from  
38 private sources for the purpose of this chapter shall be used to  
39 offset public costs incurred under the program established by this  
40 chapter.

(e) For purposes of this chapter, the county responsible for determining the child's Adoption Assistance Program eligibility status and for providing financial aid in the amount determined in Sections 16120 and 16120.1 shall be the county that, at the time of the adoptive placement, would otherwise be responsible for making a payment pursuant to Section 11450 under the CalWORKs program or Section 11461 under the Aid to Families with Dependent Children-Foster Care program if the child were not adopted. When the child has been voluntarily relinquished for adoption prior to a determination of eligibility for this payment, the responsible county shall be the county in which the relinquishing parent resides. The responsible county for all other eligible children shall be the county where the child is physically residing prior to placement with the adoptive family. The responsible county shall certify eligibility on a form prescribed by the department.

(f) Beginning in the 2011–12 fiscal year, and for each fiscal year thereafter, funding and expenditures for programs and activities under this section shall be in accordance with the requirements provided in Sections 30025 and 30026.5 of the Government Code.

SEC. 10. Section 16131 of the Welfare and Institutions Code is amended to read:

16131. It is the intent of the Legislature to conform state statutes to federal legislation, including the Preventing Sex Trafficking and Strengthening Families Act (Public Law 113-183) and the Adoption and Safe Families Act of 1997 (Public Law 105-89), and to reinvest any incentive payments received through implementation of the federal act into the child welfare system in order to provide adoption services and other legal permanency options for children.

SEC. 11. Section 16131.5 of the Welfare and Institutions Code is amended to read:

16131.5. (a) The state shall reinvest adoption and guardianship incentive payments received through the implementation of the federal Fostering Connections to Success and Increasing Adoptions Act of 2008 (Public Law 110-351) and the Preventing Sex Trafficking and Strengthening Families Act (Public Law 113-183) into the child welfare system, in order to provide legal permanency outcomes for older children, including, but not limited to, adoption,

guardianship, and reunification of children whose reunification services were previously terminated.

(b) The incentive payments received pursuant to subdivision (a), upon appropriation by the Legislature in the annual Budget Act or another statute, shall be allocated by the State Department of Social Services to the counties, and the department for a county in which the department serves as an adoption agency, based on documented increases in legal permanency outcomes for older children achieved by each county, as determined by the department, in consultation with counties, for the purposes specified in this section.

(c) A county, or the department when it acts as the adoption agency for a county, shall use adoption and guardianship incentive payment funds to improve or sustain legal permanency outcomes for older children.

(d) Nothing in this section shall be construed to supplant funds currently being spent on programs to provide legal permanency outcomes.

SEC. 12. Section 16501.1 of the Welfare and Institutions Code is amended to read:

16501.1. (a) (1) The Legislature finds and declares that the foundation and central unifying tool in child welfare services is the case plan.

(2) The Legislature further finds and declares that a case plan ensures that the child receives protection and safe and proper care and case management, and that services are provided to the child and parents or other caretakers, as appropriate, in order to improve conditions in the parent's home, to facilitate the safe return of the child to a safe home or the permanent placement of the child, and to address the needs of the child while in foster care.

(b) (1) A case plan shall be based upon the principles of this section and shall document that a preplacement assessment of the service needs of the child and family, and preplacement preventive services, have been provided, and that reasonable efforts to prevent out-of-home placement have been made.

(2) In determining the reasonable services to be offered or provided, the child's health and safety shall be the paramount concerns.

(3) Upon a determination pursuant to paragraph (1) of subdivision (e) of Section 361.5 that reasonable services will be

1 offered to a parent who is incarcerated in a county jail or state  
2 prison, detained by the United States Department of Homeland  
3 Security, or deported to his or her country of origin, the case plan  
4 shall include information, to the extent possible, about a parent's  
5 incarceration in a county jail or the state prison, detention by the  
6 United States Department of Homeland Security, or deportation  
7 during the time that a minor child of that parent is involved in  
8 dependency care.

9 (4) Reasonable services shall be offered or provided to make it  
10 possible for a child to return to a safe home environment, unless,  
11 pursuant to subdivisions (b) and (e) of Section 361.5, the court  
12 determines that reunification services shall not be provided.

13 (5) If reasonable services are not ordered, or are terminated,  
14 reasonable efforts shall be made to place the child in a timely  
15 manner in accordance with the permanent plan and to complete  
16 all steps necessary to finalize the permanent placement of the child.

17 (c) (1) If out-of-home placement is used to attain case plan  
18 goals, the case plan shall include a description of the type of home  
19 or institution in which the child is to be placed, and the reasons  
20 for that placement decision. The decision regarding choice of  
21 placement shall be based upon selection of a safe setting that is  
22 the least restrictive or most familylike and the most appropriate  
23 setting that is available and in close proximity to the parent's home,  
24 proximity to the child's school, and consistent with the selection  
25 of the environment best suited to meet the child's special needs  
26 and best interests. The selection shall consider, in order of priority,  
27 placement with relatives, nonrelated extended family members,  
28 tribal members, and foster family homes, certified homes of foster  
29 family agencies, intensive treatment or multidimensional treatment  
30 foster care homes, group care placements, such as group homes  
31 and community treatment facilities, and residential treatment  
32 pursuant to Section 7950 of the Family Code.

33 (2) If a group care placement is selected for a child, the case  
34 plan shall indicate the needs of the child that necessitate this  
35 placement, the plan for transitioning the child to a less restrictive  
36 environment, and the projected timeline by which the child will  
37 be transitioned to a less restrictive environment. This section of  
38 the case plan shall be reviewed and updated at least semiannually.

39 (3) On or after January 1, 2012, for a nonminor dependent, as  
40 defined in subdivision (v) of Section 11400, who is receiving



1 AFDC-FC benefits up to 21 years of age pursuant to Section 11403,  
2 in addition to the above requirements, the selection of the  
3 placement, including a supervised independent living placement,  
4 as described in subdivision (w) of Section 11400, shall also be  
5 based upon the developmental needs of young adults by providing  
6 opportunities to have incremental responsibilities that prepare a  
7 nonminor dependent to transition to successful adulthood. If  
8 admission to, or continuation in, a group home placement is being  
9 considered for a nonminor dependent, the group home placement  
10 approval decision shall include a youth-driven, team-based case  
11 planning process, as defined by the department, in consultation  
12 with stakeholders. The case plan shall consider the full range of  
13 placement options, and shall specify why admission to, or  
14 continuation in, a group home placement is the best alternative  
15 available at the time to meet the special needs or well-being of the  
16 nonminor dependent, and how the placement will contribute to the  
17 nonminor dependent's transition to successful adulthood. The case  
18 plan shall specify the treatment strategies that will be used to  
19 prepare the nonminor dependent for discharge to a less restrictive  
20 and more familylike setting, including a target date for discharge  
21 from the group home placement. The placement shall be reviewed  
22 and updated on a regular, periodic basis to ensure that continuation  
23 in the group home remains in the best interests of the nonminor  
24 dependent and that progress is being made in achieving case plan  
25 goals leading to successful adulthood. The group home placement  
26 planning process shall begin as soon as it becomes clear to the  
27 county welfare department or probation office that a foster child  
28 in group home placement is likely to remain in group home  
29 placement on his or her 18th birthday, in order to expedite the  
30 transition to a less restrictive and more familylike setting if he or  
31 she becomes a nonminor dependent. The case planning process  
32 shall include informing the youth of all of his or her options,  
33 including, but not limited to, admission to or continuation in a  
34 group home placement. Consideration for continuation of existing  
35 group home placement for a nonminor dependent under 19 years  
36 of age may include the need to stay in the same placement in order  
37 to complete high school. After a nonminor dependent either  
38 completes high school or attains his or her 19th birthday, whichever  
39 is earlier, continuation in or admission to a group home is  
40 prohibited unless the nonminor dependent satisfies the conditions

1 of paragraph (5) of subdivision (b) of Section 11403, and group  
2 home placement functions as a short-term transition to the  
3 appropriate system of care. Treatment services provided by the  
4 group home placement to the nonminor dependent to alleviate or  
5 ameliorate the medical condition, as described in paragraph (5) of  
6 subdivision (b) of Section 11403, shall not constitute the sole basis  
7 to disqualify a nonminor dependent from the group home  
8 placement.

9 (4) In addition to the requirements of paragraphs (1) to (3),  
10 inclusive, and taking into account other statutory considerations  
11 regarding placement, the selection of the most appropriate home  
12 that will meet the child's special needs and best interests shall also  
13 promote educational stability by taking into consideration  
14 proximity to the child's school of origin, and school attendance  
15 area, the number of school transfers the child has previously  
16 experienced, and the child's school matriculation schedule, in  
17 addition to other indicators of educational stability that the  
18 Legislature hereby encourages the State Department of Social  
19 Services and the State Department of Education to develop.

20 (d) A written case plan shall be completed within a maximum  
21 of 60 days of the initial removal of the child or of the in-person  
22 response required under subdivision (f) of Section 16501 if the  
23 child has not been removed from his or her home, or by the date  
24 of the dispositional hearing pursuant to Section 358, whichever  
25 occurs first. The case plan shall be updated, as the service needs  
26 of the child and family dictate. At a minimum, the case plan shall  
27 be updated in conjunction with each status review hearing  
28 conducted pursuant to Sections 364, 366, 366.3, and 366.31, and  
29 the hearing conducted pursuant to Section 366.26, but no less  
30 frequently than once every six months. Each updated case plan  
31 shall include a description of the services that have been provided  
32 to the child under the plan and an evaluation of the appropriateness  
33 and effectiveness of those services.

34 (1) It is the intent of the Legislature that extending the maximum  
35 time available for preparing a written case plan from 30 to 60 days  
36 will afford caseworkers time to actively engage families, and to  
37 solicit and integrate into the case plan the input of the child and  
38 the child's family, as well as the input of relatives and other  
39 interested parties.

1 (2) The extension of the maximum time available for preparing  
2 a written case plan from the 30 to 60 days shall be effective 90  
3 days after the date that the department gives counties written notice  
4 that necessary changes have been made to the Child Welfare  
5 Services Case Management System to account for the 60-day  
6 timeframe for preparing a written case plan.

7 (e) The child welfare services case plan shall be comprehensive  
8 enough to meet the juvenile court dependency proceedings  
9 requirements pursuant to Article 6 (commencing with Section 300)  
10 of Chapter 2 of Part 1 of Division 2.

11 (f) The case plan shall be developed as follows:

12 (1) The case plan shall be based upon an assessment of the  
13 circumstances that required child welfare services intervention.  
14 The child shall be involved in developing the case plan as age and  
15 developmentally appropriate.

16 (2) The case plan shall identify specific goals and the  
17 appropriateness of the planned services in meeting those goals.

18 (3) The case plan shall identify the original allegations of abuse  
19 or neglect, as defined in Article 2.5 (commencing with Section  
20 11164) of Chapter 2 of Title 1 of Part 4 of the Penal Code, or the  
21 conditions cited as the basis for declaring the child a dependent of  
22 the court pursuant to Section 300, or all of these, and the other  
23 precipitating incidents that led to child welfare services  
24 intervention.

25 (4) The case plan shall include a description of the schedule of  
26 the placement agency contacts with the child and the family or  
27 other caretakers. The frequency of these contacts shall be in  
28 accordance with regulations adopted by the State Department of  
29 Social Services. If the child has been placed in foster care out of  
30 state, the county social worker or probation officer, or a social  
31 worker or probation officer on the staff of the agency in the state  
32 in which the child has been placed, shall visit the child in a foster  
33 family home or the home of a relative, consistent with federal law  
34 and in accordance with the department's approved state plan. For  
35 children in out-of-state group home facilities, visits shall be  
36 conducted at least monthly, pursuant to Section 16516.5. At least  
37 once every six months, at the time of a regularly scheduled  
38 placement agency contact with the foster child, the child's social  
39 worker or probation officer shall inform the child of his or her  
40 rights as a foster child, as specified in Section 16001.9. The social

1 worker or probation officer shall provide the information to the  
2 child in a manner appropriate to the age or developmental level of  
3 the child.

4 (5) (A) When out-of-home services are used, the frequency of  
5 contact between the natural parents or legal guardians and the child  
6 shall be specified in the case plan. The frequency of those contacts  
7 shall reflect overall case goals, and consider other principles  
8 outlined in this section.

9 (B) Information regarding any court-ordered visitation between  
10 the child and the natural parents or legal guardians, and the terms  
11 and conditions needed to facilitate the visits while protecting the  
12 safety of the child, shall be provided to the child's out-of-home  
13 caregiver as soon as possible after the court order is made.

14 (6) When out-of-home placement is made, the case plan shall  
15 include provisions for the development and maintenance of sibling  
16 relationships as specified in subdivisions (b), (c), and (d) of Section  
17 16002. If appropriate, when siblings who are dependents of the  
18 juvenile court are not placed together, the social worker for each  
19 child, if different, shall communicate with each of the other social  
20 workers and ensure that the child's siblings are informed of  
21 significant life events that occur within their extended family.  
22 Unless it has been determined that it is inappropriate in a particular  
23 case to keep siblings informed of significant life events that occur  
24 within the extended family, the social worker shall determine the  
25 appropriate means and setting for disclosure of this information  
26 to the child commensurate with the child's age and emotional  
27 well-being. These significant life events shall include, but shall  
28 not be limited to, the following:

29 (A) The death of an immediate relative.

30 (B) The birth of a sibling.

31 (C) Significant changes regarding a dependent child, unless the  
32 child objects to the sharing of the information with his or her  
33 siblings, including changes in placement, major medical or mental  
34 health diagnoses, treatments, or hospitalizations, arrests, and  
35 changes in the permanent plan.

36 (7) If out-of-home placement is made in a foster family home,  
37 group home, or other child care institution that is either a  
38 substantial distance from the home of the child's parent or out of  
39 state, the case plan shall specify the reasons why that placement  
40 is in the best interest of the child. When an out-of-state group home

1 placement is recommended or made, the case plan shall, in  
2 addition, specify compliance with Section 7911.1 of the Family  
3 Code.

4 (8) Effective January 1, 2010, a case plan shall ensure the  
5 educational stability of the child while in foster care and shall  
6 include both of the following:

7 (A) An assurance that the placement takes into account the  
8 appropriateness of the current educational setting and the proximity  
9 to the school in which the child is enrolled at the time of placement.

10 (B) An assurance that the placement agency has coordinated  
11 with the person holding the right to make educational decisions  
12 for the child and appropriate local educational agencies to ensure  
13 that the child remains in the school in which the child is enrolled  
14 at the time of placement or, if remaining in that school is not in  
15 the best interests of the child, assurances by the placement agency  
16 and the local educational agency to provide immediate and  
17 appropriate enrollment in a new school and to provide all of the  
18 child's educational records to the new school.

19 (9) (A) If out-of-home services are used, or if parental rights  
20 have been terminated and the case plan is placement for adoption,  
21 the case plan shall include a recommendation regarding the  
22 appropriateness of unsupervised visitation between the child and  
23 any of the child's siblings. This recommendation shall include a  
24 statement regarding the child's and the siblings' willingness to  
25 participate in unsupervised visitation. If the case plan includes a  
26 recommendation for unsupervised sibling visitation, the plan shall  
27 also note that information necessary to accomplish this visitation  
28 has been provided to the child or to the child's siblings.

29 (B) Information regarding the schedule and frequency of the  
30 visits between the child and siblings, as well as any court-ordered  
31 terms and conditions needed to facilitate the visits while protecting  
32 the safety of the child, shall be provided to the child's out-of-home  
33 caregiver as soon as possible after the court order is made.

34 (10) If out-of-home services are used and the goal is  
35 reunification, the case plan shall describe the services to be  
36 provided to assist in reunification and the services to be provided  
37 concurrently to achieve legal permanency if efforts to reunify fail.  
38 The plan shall also consider in-state and out-of-state placements,  
39 the importance of developing and maintaining sibling relationships  
40 pursuant to Section 16002, and the desire and willingness of the

1 caregiver to provide legal permanency for the child if reunification  
2 is unsuccessful.

3 (11) If out-of-home services are used, the child has been in care  
4 for at least 12 months, and the goal is not adoptive placement, the  
5 case plan shall include documentation of the compelling reason  
6 or reasons why termination of parental rights is not in the child's  
7 best interest. A determination completed or updated within the  
8 past 12 months by the department when it is acting as an adoption  
9 agency or by a licensed adoption agency that it is unlikely that the  
10 child will be adopted, or that one of the conditions described in  
11 paragraph (1) of subdivision (c) of Section 366.26 applies, shall  
12 be deemed a compelling reason.

13 (12) (A) Parents and legal guardians shall have an opportunity  
14 to review the case plan, and to sign it whenever possible, and then  
15 shall receive a copy of the plan. In a voluntary service or placement  
16 agreement, the parents or legal guardians shall be required to  
17 review and sign the case plan. Whenever possible, parents and  
18 legal guardians shall participate in the development of the case  
19 plan. Commencing January 1, 2012, for nonminor dependents, as  
20 defined in subdivision (v) of Section 11400, who are receiving  
21 AFDC-FC or CalWORKs assistance up to 21 years of age pursuant  
22 to Section 11403, the transitional independent living case plan, as  
23 set forth in subdivision (y) of Section 11400, shall be developed  
24 with, and signed by, the nonminor.

25 (B) Parents and legal guardians shall be advised that, pursuant  
26 to Section 1228.1 of the Evidence Code, neither their signature on  
27 the child welfare services case plan nor their acceptance of any  
28 services prescribed in the child welfare services case plan shall  
29 constitute an admission of guilt or be used as evidence against the  
30 parent or legal guardian in a court of law. However, they shall also  
31 be advised that the parent's or guardian's failure to cooperate,  
32 except for good cause, in the provision of services specified in the  
33 child welfare services case plan may be used in any hearing held  
34 pursuant to Section 366.21, 366.22, or 366.25 *of this code* as  
35 evidence.

36 (13) A child shall be given a meaningful opportunity to  
37 participate in the development of the case plan and state his or her  
38 preference for foster care placement. A child who is 12 years of  
39 age or older and in a permanent placement shall also be given the

1 opportunity to review the case plan, sign the case plan, and receive  
2 a copy of the case plan.

3 (14) The case plan shall be included in the court report and shall  
4 be considered by the court at the initial hearing and each review  
5 hearing. Modifications to the case plan made during the period  
6 between review hearings need not be approved by the court if the  
7 casework supervisor for that case determines that the modifications  
8 further the goals of the plan. If out-of-home services are used with  
9 the goal of family reunification, the case plan shall consider and  
10 describe the application of subdivision (b) of Section 11203.

11 (15) If the case plan has as its goal for the child a permanent  
12 plan of adoption or placement in another permanent home, it shall  
13 include a statement of the child's wishes regarding their permanent  
14 placement plan and an assessment of those stated wishes. The  
15 agency shall also include documentation of the steps the agency  
16 is taking to find an adoptive family or other permanent living  
17 arrangements for the child; to place the child with an adoptive  
18 family, an appropriate and willing relative, a legal guardian, or in  
19 another planned permanent living arrangement; and to finalize the  
20 adoption or legal guardianship. At a minimum, the documentation  
21 shall include child-specific recruitment efforts, such as the use of  
22 state, regional, and national adoption exchanges, including  
23 electronic exchange systems, when the child has been freed for  
24 adoption. If the plan is for kinship guardianship, the case plan shall  
25 document how the child meets the kinship guardianship eligibility  
26 requirements.

27 (16) (A) When appropriate, for a child who is 16 years of age  
28 or older and, commencing January 1, 2012, for a nonminor  
29 dependent, the case plan shall include the transitional independent  
30 living plan (TILP), a written description of the programs and  
31 services that will help the child, consistent with the child's best  
32 interests, to prepare for the transition from foster care to successful  
33 adulthood, and, in addition, whether the youth has an in-progress  
34 application pending for Title XVI Supplemental Security Income  
35 benefits or for Special Immigrant Juvenile Status or other  
36 applicable application for legal residency and an active dependency  
37 case is required for that application. When appropriate, for a  
38 nonminor dependent, the transitional independent living case plan,  
39 as described in subdivision (v) of Section 11400, shall include the  
40 TILP, a written description of the programs and services that will

1 help the nonminor dependent, consistent with his or her best  
2 interests, to prepare for transition from foster care and assist the  
3 youth in meeting the eligibility criteria set forth in paragraphs (1)  
4 to (5), inclusive, of subdivision (b) Section 11403. If applicable,  
5 the case plan shall describe the individualized supervision provided  
6 in the supervised independent living placement as defined in  
7 subdivision (w) of Section 11400. The case plan shall be developed  
8 with the child or nonminor dependent and individuals identified  
9 as important to the child or nonminor dependent, and shall include  
10 steps the agency is taking to ensure that the child or nonminor  
11 dependent achieves permanence, including maintaining or  
12 obtaining permanent connections to caring and committed adults.

13 (B) During the 90-day period prior to the participant attaining  
14 18 years of age or older as the state may elect under Section  
15 475(8)(B)(iii) of the federal Social Security Act (42 U.S.C. Sec.  
16 675(8)(B)(iii)), whether during that period foster care maintenance  
17 payments are being made on the child's behalf or the child is  
18 receiving benefits or services under Section 477 of the federal  
19 Social Security Act (42 U.S.C. Sec. 677), a caseworker or other  
20 appropriate agency staff or probation officer and other  
21 representatives of the participant, as appropriate, shall provide the  
22 youth or nonminor with assistance and support in developing the  
23 written 90-day transition plan, that is personalized at the direction  
24 of the child, information as detailed as the participant elects that  
25 shall include, but not be limited to, options regarding housing,  
26 health insurance, education, local opportunities for mentors and  
27 continuing support services, and workforce supports and  
28 employment services, a power of attorney for health care, and  
29 information regarding the advance health care directive form.

30 (C) For youth 14 years of age or older, the case plan shall  
31 include documentation that a consumer credit report was requested  
32 annually from each of the three major credit reporting agencies at  
33 no charge to the youth and that any results were provided to the  
34 youth. For nonminor dependents, the case plan shall include  
35 documentation that the county assisted the nonminor dependent  
36 in obtaining his or her reports. The case plan shall include  
37 documentation of barriers, if any, to obtaining the credit reports.  
38 If the consumer credit report reveals any accounts, the case plan  
39 shall detail how the county ensured the youth received assistance



1 with interpreting the credit report and resolving any inaccuracies,  
2 including any referrals made for the assistance.

3 (17) For youth 14 years of age or older and nonminor  
4 dependents, the case plan shall be developed in consultation with  
5 the youth. At the youth's option, the consultation may include up  
6 to two members of the case planning team who are chosen by the  
7 youth and who are not foster parents of, or caseworkers for, the  
8 youth. The child welfare agency may, at any time, reject an  
9 individual selected by the youth to be a member of the case  
10 planning team if the agency has good cause to believe that the  
11 individual would not act in the youth's best interest. One individual  
12 selected by the youth to be a member of the case planning team  
13 may be designated to be the youth's adviser and advocate with  
14 respect to the application of the reasonable and prudent parent  
15 standard to the youth, as necessary.

16 (18) For youth 14 years of age and older and nonminor  
17 dependents, the case plan shall include both of the following:

18 (A) A document that describes the youth's rights with respect  
19 to education, health, visitation, and court participation, the right  
20 to be annually provided with copies of his or her credit reports at  
21 no cost while in foster care pursuant to Section 10618.6, and the  
22 right to stay safe and avoid exploitation.

23 (B) A signed acknowledgment by the youth that he or she has  
24 been provided a copy of the document and that the rights described  
25 in the document have been explained to the youth in an  
26 age-appropriate manner.

27 (19) The case plan for a child or nonminor dependent who is,  
28 or who is at risk of becoming, the victim of commercial sexual  
29 exploitation, shall document the services provided to address that  
30 issue.

31 (g) If the court finds, after considering the case plan, that  
32 unsupervised sibling visitation is appropriate and has been  
33 consented to, the court shall order that the child or the child's  
34 siblings, the child's current caregiver, and the child's prospective  
35 adoptive parents, if applicable, be provided with information  
36 necessary to accomplish this visitation. This section does not  
37 require or prohibit the social worker's facilitation, transportation,  
38 or supervision of visits between the child and his or her siblings.

39 (h) The case plan documentation on sibling placements required  
40 under this section shall not require modification of existing case

1 plan forms until the Child Welfare Services Case Management  
2 System is implemented on a statewide basis.

3 (i) When a child is 10 years of age or older and has been in  
4 out-of-home placement for six months or longer, the case plan  
5 shall include an identification of individuals, other than the child's  
6 siblings, who are important to the child and actions necessary to  
7 maintain the child's relationship with those individuals, provided  
8 that those relationships are in the best interest of the child. The  
9 social worker or probation officer shall ask every child who is 10  
10 years of age or older and who has been in out-of-home placement  
11 for six months or longer to identify individuals other than the  
12 child's siblings who are important to the child, and may ask any  
13 other child to provide that information, as appropriate. The social  
14 worker or probation officer shall make efforts to identify other  
15 individuals who are important to the child, consistent with the  
16 child's best interests.

17 (j) The child's caregiver shall be provided a copy of a plan  
18 outlining the child's needs and services. The nonminor dependent's  
19 caregiver shall be provided with a copy of the nonminor's TILP.

20 (k) On or before June 30, 2008, the department, in consultation  
21 with the County Welfare Directors Association of California and  
22 other advocates, shall develop a comprehensive plan to ensure that  
23 90 percent of foster children are visited by their caseworkers on a  
24 monthly basis by October 1, 2011, and that the majority of the  
25 visits occur in the residence of the child. The plan shall include  
26 any data reporting requirements necessary to comply with the  
27 provisions of the federal Child and Family Services Improvement  
28 Act of 2006 (Public Law 109-288).

29 (l) The implementation and operation of the amendments to  
30 subdivision (i) enacted at the 2005–06 Regular Session shall be  
31 subject to appropriation through the budget process and by phase,  
32 as provided in Section 366.35.

33 SEC. 13. Section 16501.4 is added to the Welfare and  
34 Institutions Code, to read:

35 16501.4. (a) On or before September 30, 2016, county child  
36 welfare agencies shall develop and implement policies and  
37 procedures ~~that, at a minimum, that~~ require social workers and  
38 probation officers to do all of the following:

39 (1) Identify children receiving child welfare services, including  
40 dependents or wards in foster care, nonminor dependents, and

1 youth receiving services pursuant to Section 677 of Title 42 of the  
2 United States Code, who are, or are at risk of becoming, victims  
3 of commercial sexual exploitation.

4 (2) Document individuals identified pursuant to paragraph (1)  
5 in the Child Welfare Services/Case Management System and any  
6 other agency record as determined by the county.

7 (3) Determine appropriate services for the child or youth  
8 identified pursuant to paragraph (1).

9 (b) On or before July 1, 2016, county child welfare agencies  
10 shall develop and implement specific protocols to expeditiously  
11 locate any child missing from foster care. These policies shall, at  
12 a minimum, require county social workers and probation officers  
13 to do all of the following:

14 (1) Determine the primary factors that contributed to the child  
15 or nonminor dependent running away or otherwise being absent  
16 from care.

17 (2) Respond to factors identified in paragraph (1) in subsequent  
18 placements, to the extent possible.

19 (3) Determine the child's or nonminor dependent's experiences  
20 while absent from care.

21 (4) Determine whether the child or nonminor dependent is a  
22 possible sex trafficking victim.

23 SEC. 14. Section 16501.45 is added to the Welfare and  
24 Institutions Code, to read:

25 16501.45. (a) The State Department of Social Services shall  
26 ensure that the Child Welfare Services/Case Management System  
27 is capable of collecting all of the following:

28 (1) The number of dependent children or wards in foster care  
29 who were victims of commercial sexual exploitation before  
30 entering foster care.

31 (2) The number of dependent children or wards in foster care  
32 who became victims of commercial sexual exploitation while in  
33 foster care.

34 (3) The number of dependent children or wards in foster care  
35 who go missing, run away, or are otherwise absent from care and  
36 were commercially sexually exploited during the time away from  
37 placement.

38 (4) The number of dependent children or wards in foster care  
39 who are at risk of becoming victims of commercial sexual  
40 exploitation.

1 (b) County social workers and probation officers shall collect  
2 the data identified in subdivision (a) consistent with data entry  
3 instructions provided by the department.

4 SEC. 15. Except as required by Section 36 of Article XIII of  
5 the California Constitution, ~~noreimbursement~~ *no reimbursement*  
6 is required by this act pursuant to Section 6 of Article XIII B of  
7 the California Constitution because this act implements a federal  
8 law or regulation and results only in costs mandated by the federal  
9 government, within the meaning of Section 17556 of the  
10 Government Code.